

ATF AFSP BRANCH

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U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Washington, DC 20226

www.atf.gov

April 8, 2008

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Miguel Mendiola-Martinez
[REDACTED]

RE: Notice of Forfeiture proceedings
Agency Case Number: [REDACTED]
Seizure Number: [REDACTED]
Asset Identification: See Attached List
Asset Description: Ruger Vaquero Revolver, 45 cal, sn 58-29096

Dear Miguel Mendiola-Martinez:

On March 17, 2008 at [REDACTED], the property described above was seized for forfeiture by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Property was used or acquired in violation of 18 USC 924(d). Administrative forfeiture proceedings have commenced in accordance with the provisions of 18 U.S.C. 3051(c), 19 U.S.C. §§ 1602-1618 and 18 U.S.C. §§ 983.

You may contest the seizure and forfeiture of the subject property in United States District Court by filing a Claim, or you may consent to the forfeiture of the property through the administrative process and seek equitable relief from the forfeiture by filing a Petition for Remission or Mitigation of Forfeiture. Both alternatives are described more fully below.

Alternatively, you may choose to take no action regarding the seizure and forfeiture of the above listed assets. If so, no further contact with our office is necessary.

To Contest the Forfeiture in United States District Court

To Contest the Forfeiture in United States District Court, you must file a Claim of

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Ownership with ATF within thirty-five (35) days of the date appearing at the top of this letter. As provided in 18 U.S.C. § 983(a)(2), the Claim of Ownership must:

1. Identify specific property claimed;
2. State the claimant's interest in the property; and
3. Be signed by you under oath subject to penalty of perjury.

A form that you may use to file a Claim of Ownership is enclosed for your convenience along with a Power of Attorney form to be filed if you retain the services of an attorney in this matter. A Claim of Ownership must be submitted to the following address:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Asset Forfeiture and Seized Property Branch
99 New York Avenue, NE
Mail Stop 3N 800
Washington, DC 20226

If you choose to file a Claim of Ownership as set forth above, you may be entitled to request immediate release of the seized property pending the disposition of your claim in United States District Court. See 18 U.S.C. §983(f). Provided, however, that property will not be released if it is: (a) contraband, currency, other monetary instrument, or electronic funds unless such currency, other monetary instrument, or electronic funds constitute the assets of a legitimate business that has been seized; (b) to be used as evidence of a violation of law; (c) by reason of design or other characteristic particularly suited for use in illegal activities; or, (d) likely to be used to commit additional criminal acts if released.

A claimant seeking a release of seized property as outlined above must file a Request for Release of Seized Property Due to Hardship with the Special Agent in Charge, Asset Forfeiture and Seized Property Branch, at the address listed above. Use of registered mail, return receipt requested, is highly recommended. In making such a request a claimant must establish that:

1. You have possessory interest in the property;
2. You have sufficient ties to the community to provide assurance that the property will be available at the time of trial;
3. The continued possession by the Government pending the final disposition of

forfeiture proceedings will cause you substantial hardship;

4. Your likely hardship from the continued possession by the Government of the seized property outweigh the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to you pending the outcome of the forfeiture proceedings.

If you file a Request for Release of Seized Property Due to Hardship, ATF will notify you in writing of the date on which ATF received the Request. If ATF does not release the subject property within fifteen days after ATF receives your Request, you may file a petition in the United States District Court in which the Complaint for Forfeiture was filed, or if no Complaint has been filed, in either the district in which the seizure warrant was issued or the district in which the property was seized.

Petition for Remission or Mitigation of Forfeiture

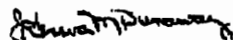
As an alternative, you may submit to ATF a Petition for Remission or Mitigation of Forfeiture. The regulations governing the form and content of a Petition for Remission or Mitigation of Forfeiture are set forth at 28 C.F.R. Part 9.

A Petition should state in clear and concise terms the nature and extent of your alleged interest in the property and should be accompanied by proof of that interest, such as bills of sale, sale contracts, mortgages, title records, or other documentary evidence. A Petition must also state the facts and circumstances that you believe justify remission or mitigation of the forfeiture. If you are a lien holder in the subject property, you must also complete a Net Equity Worksheet, which is available from ATF upon request.

A Petition must be signed and sworn to by the petitioner or an attorney representing the petitioner. If the Petition is signed by an attorney, it should be accompanied by documentation establishing the Power of Attorney. Petitions should be filed within thirty (30) days of the date appearing at the top of this letter and should be mailed to the address listed above.

Please ensure that all correspondence regarding this matter references the Case Number, Seizure Number, and the Asset Identification Number(s) listed above. If you have any questions regarding this matter, you may contact Asset Forfeiture and Seized Property Branch at (202) 648-7890 before May 13, 2008.

Sincerely,



Enclosures

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Asset List for Personal Seizure Notice - CAFRA

Agency Case: [REDACTED] Mendiola

Seizure No: 01

ASSET ID	ASSET DESCRIPTION	ASSET VALUE	VIN/SERIAL NO
08-ATF-007125	Ruger Vaquero Revolver, 45 cal, sn 58-29096	330.00	58-29096
08-ATF-007128	Colt Commander Pistol, 45 cal, sn CJ27843	270.00	CJ27843
08-ATF-007129	Remington Arms Co 700 Rifle, 30-06 cal, sn B6264511	525.00	B6264511
08-ATF-007131	Winchester 70 Rifle, 300 cal, sn G312564	425.00	G312564
08-ATF-007132	Remington Arms Co 700 Rifle, 30-06 cal, sn B6743201	525.00	B6743201
08-ATF-007133	488 rds of Assorted ammo, **cal	49.80	

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

Miguel Mendiola-Martinez

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Print Name) C. Date of Delivery

☒ Yes
☐ No

D. Is delivery address different from item 1? If Yes, enter delivery address below:

APR 21 2008

ASSET FORFEITURE &
SEIZED PROPERTY BRANCH

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 1680 0006 7979 6481

PS Form 3811, February 2004

Domestic Return Receipt

109506-02-M-1-04

UNITED STATES POSTAL SERVICE


 First Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Department of Justice
 Bureau of ATF
 Asset Forfeiture Seized Property Branch
 99 New York Avenue, NE
 Mail Stop 3 North 600
 Washington, DC 20226

COMPLETED

